

MINUTES
HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR
Room B-8 - Civic Center
2000 Main Street
Huntington Beach California

WEDNESDAY, MARCH 2, 2005 - 1:30 P.M.

ZONING ADMINISTRATOR: Mary Beth Broeren

STAFF MEMBER: Rami Talleh, Ron Santos, Ramona Kohlmann (recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 05-02 (BAJA FRESH ALCOHOL SALES)

APPLICANT: Foothill Project Management, PO Box 4403, Costa Mesa, CA 92626
PROPERTY OWNER: Shea Properties, 26840 Aliso Parkway, Suite 100, Aliso Viejo, CA 92656
REQUEST: To permit the sale of alcoholic beverages for on-site consumption within an existing restaurant
LOCATION: 7101 Yorktown Avenue, Suite 109 (north side of Yorktown Avenue west of Main Street)
PROJECT PLANNER: Rami Talleh

Rami Talleh, Staff Planner, displayed project plans and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented a review of the proposed project and the suggested findings and conditions of approval as outlined in the executive summary.

Staff stated that one telephone call was received in opposition to the proposed project because of the subject site's close proximity to the high school. Staff stated that the Alcoholic Beverage Control Board, which prohibits the sale of alcoholic beverages to minors, would regulate the proposed project. No other written or verbal comments were received in response to the public notification.

Staff recommended the addition of a condition for approval prohibiting consumption of alcoholic beverages outside. Staff stated that the applicant concurs.

Mary Beth Broeren, Zoning Administrator, asked staff if any complaints have been received by the Police Department concerning the sale of alcoholic beverages at Oggie's restaurant located within the same mall as the subject site. Staff was not aware of any complaints.

THE PUBLIC HEARING WAS OPENED.

THERE WERE NO PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Ms. Broeren stated that she was going to approve the request with the addition of staff's recommendation to modify the suggested conditions of approval as follows:

Add Condition of Approval:

3. Outdoor sale and consumption of alcoholic beverages shall be prohibited.

CONDITIONAL USE PERMIT NO. 05-02 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND MODIFIED CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because the project consists of the operation of an existing commercial business involving negligible or no expansion of use beyond that previously approved.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 05-02:

1. Conditional Use Permit No. 05-02 to permit the sale of alcohol for onsite consumption at an existing restaurant will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed use will not generate noise, traffic, demand for parking or other impacts at levels inconsistent with the commercial zoning applicable to the subject property.
2. The conditional use permit will be compatible with surrounding uses because the request represents only a negligible expansion of an existing bona fide restaurant use, on a commercially zoned property intended to serve the surrounding residential population.
3. The proposed Conditional Use Permit No. 05-02 will comply with the provisions of the base district and other applicable provisions in the Holly-Seacliff Specific Plan and Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. Establishment of the restaurant was approved as part of the conditional use permit for the development of the Seacliff Village Shopping Center. The sale of alcoholic beverages is allowed with a conditional use permit and complies with the parking, floor area ratio, and building occupancy/exiting requirements.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Mixed Use Horizontal –Specific Plan on the subject property, which permits eating and drinking establishments. In addition, it is consistent with the following goals and policies of the General Plan:

- a. LU 7.1.2: Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.
- b. LU 10.1.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, serve visitors to the City and capitalize on Huntington Beach's recreational resources.

The requested conditional use permit will accommodate an existing development by allowing the addition of alcohol sales to a permitted land use (restaurant). The proposed use will serve the needs of local residents and visitors to the City by providing for additional dining service and menu options.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 05-02:

1. The site plan and floor plans received and dated January 18, 2005, shall be the conceptually approved design.
2. Prior to the sale of alcoholic beverages, a copy of the Alcoholic Beverage Control Board (ABC) license, along with any special conditions imposed by the ABC, shall be submitted to the Planning Department for the file. Any conditions that is more restrictive than those set forth in this approval shall be adhered to.
3. Outdoor sale and consumption of alcoholic beverages shall be prohibited.
4. The Planning Director ensures that all conditions of approval herein are complied with. The Planning Director shall be notified in writing if any changes to the site plan, elevations or floor plans are proposed as a result of the plan check process. Building permits shall not be issued until the Planning Director has reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action and the conditions herein. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the Huntington Beach Zoning and Subdivision Ordinance.
5. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

ITEM 2: COASTAL DEVELOPMENT PERMIT NO. 04-13/CONDITIONAL USE PERMIT NO. 04-40/VARIANCE NO. 04-07 (EDMONDS ADDITION)

APPLICANT/

PROPERTY OWNER: Joseph Edmonds, 3201 Remora Drive, Huntington Beach, CA 92649

REQUEST: **CDP:** To permit a 603 sq. ft. first, second, and third story addition to an existing 1856 sq. ft. single-family home. **CUP:** To permit the construction of (a) a 495 sq. ft third story addition, (b) a 68 sq. ft. third story deck, and (c) an addition exceeding an overall height of 30 ft. (approximately 33'-2"). **VAR:** To allow a 12 ft. front yard setback in lieu of the minimum required 15 ft. front yard setback.

LOCATION: 3201 Remora Drive (northwest knuckle of Remora Drive and Intrepid Lane, Huntington Harbour)

PROJECT PLANNER: Rami Talleh

Rami Talleh, Staff Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented a review of the proposed project and the suggested findings and conditions of approval as outlined in the executive summary.

Staff recommended that the conditions of approval be modified to require the use of decorative paving materials for the walkway in order to accommodate the minimum 40% landscaping requirements.

Staff stated that they do not support the third floor flat roof design because it does not meet the code. Staff stated that the applicant submitted Exhibit A in an attempt to meet the intent of the code.

Staff stated that the applicant submitted a third roof design, but time did not allow for the plan check process. Staff stated that the hybrid design is available for the Zoning Administrator's consideration.

Staff recommended approval of the request based upon the suggested findings and subject to the suggested conditions as outlined in the executive summary and with the modification as recommended above. Staff stated that one letter in opposition to the third story was received from a neighboring condominium owner from across the channel with concerns related to view obstruction. No other written or verbal comments were received in response to the public notification.

Mary Beth Broeren, Zoning Administrator, reviewed the project plans and discussion ensued concerning staff's reasons for the modifications to Exhibit A as set forth in suggested Condition of Approval No. 1.a.

THE PUBLIC HEARING WAS OPENED.

Joseph Edmonds, 3201 Remora Drive, applicant, spoke in support of the proposed project urging the Zoning Administrator's approval. Mr. Edmonds stated that Exhibit A is an attempt to meet the intent of the code and presented reasons thereof.

Mr. Edmonds presented hybrid plans. Detailed discussions ensued and alternatives were explored. Staff stated that the hybrid plan increases the roof pitch to the ridgeline and that the only change is to the floor plan and rear elevation.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Ms. Broeren stated concurrence with staff's assessment that the original plans do not meet the intent of the code. She stated that Exhibit A is not a significant improvement because of problems with the cupola, code and aesthetics.

Ms. Broeren stated that the request could be approved today with the condition that the plans be revised until code compliance is achieved as determined by the Planning Department.

Discussion ensued. Ms. Broeren stated that the applicant would need to meet with staff in order to resolve code related issues. She stated that the applicant would be presented with guidelines by staff and further emphasized the need is to meet code requirements.

Detailed discussions ensued concerning the applicant's inquiry into filing a variance to allow a roof pitch less than 5/12. Ms. Broeren also identified the option to file an entitlement plan amendment should the applicant opt to redesign the project in a manner which is inconsistent with the approved entitlements. Ms. Broeren explained staff's reason for suggested Condition of Approval No. 1. She explained the process and cost for a variance and entitlement plan amendment.

Ms. Broeren stated options available in order to take action on the request today. She addressed the applicant's request to revise the plans to provide for a 35 ft. height by advising that the request would need to be re-advertised. She stated that she could approve the request with the added condition that the applicant shall work with staff in terms of the roof pitch before the appeal period expires or file an appeal on today's action if approved. Ms. Broeren also discussed the option of continuing the item.

Ms. Broeren engaged in discussions with staff concerning prior approvals of flat roofs and related code requirements.

Ms. Broeren stated that it would be more cost effective to the applicant to continue today's item thereby allowing the applicant and staff time to form a workable solution concerning the roof design. She further advised the applicant as to what options could be available to him at the next hearing if a solution is not reached with staff.

Ms. Broeren confirmed with the applicant his agreement to continue the item for two weeks. She emphasized that the applicant would have to work with staff to meet agenda deadlines.

**COASTAL DEVELOPMENT PERMIT NO. 04-13/CONDITIONAL USE PERMIT NO. 04-40/
VARIANCE NO. 04-07 WERE CONTINUED TO THE MARCH 16, 2005 MEETING WITH THE
PUBLIC HEARING CLOSED.**

**THE MEETING WAS ADJOURNED AT 2:20 PM BY THE ZONING ADMINISTRATOR TO THE
NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON
WEDNESDAY, MARCH 9, 2005 AT 1:30 PM.**

Mary Beth Broeren
Zoning Administrator

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